



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Marion J. G. Bussemakers

Appl. No. 09/402,713

§ 371 Date: June 13, 2000

For: **PCA3, PCA3 Genes, and Methods
of Use**

Confirmation No. 6311

Art Unit: 1642

Examiner: Yu, Misook

Atty. Docket: 1619.0020001/JAG/CMB

**Second Supplemental Information Disclosure Statement and
Statement Under 37 C.F.R. § 1.97(e)(2)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

#30
KD
23000

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Second Supplemental Information Disclosure Statement is a continuation of the numbering in Applicant's Information Disclosure Statement filed on October 12, 2000 in connection with the above-captioned application. A copy of each document is provided.

The Examiner's attention is respectfully directed to the following co-pending U.S. patent applications: U.S. Patent Application No. 09/675,650, filed September 29, 2000 and U.S. Patent Application No. 09/996,953, filed November 30, 2001; and U.S. Patent Application No. 60/445,436, filed February 7, 2003. Copies of these applications are attached as Doc. Nos. AS2, AT2, and AR3, respectively.

Applicants have recently performed a sequence comparison of the PCA3 sequence using Blast®, and the following documents were identified: U.S. Application No. 09/759,143, filed January 12, 2001 and published as US 2002/0022248 A1 ("the Corixa application") and U.S. Application No. 08/926,626, filed September 9, 1997, and published as US 2002/035244 A1 ("the Abbott application"). The search results indicated that the

Corixa application discloses a sequence (SEQ ID NO:690) that is 99% identical to a portion of the PCA3 sequence (specifically exons 1, 2, 3, 4a, 4b, and part of 4c). However, the earlier filed applications to which the '143 application claims priority apparently do not disclose this sequence. These earlier filed priority applications are attached as Doc. Nos. AC1, AS3 and AT3.

The search results indicated that the Abbott application discloses a sequence (SEQ ID NO:7) that is 99% identical to portions of exons 4b and 4c of the PCA3 sequence. The published application is attached as Doc. No. AD1.

This Second Supplemental Information Disclosure Statement is submitted in part to clarify a statement made in the First Supplemental Information Disclosure Statement filed on February 26, 2001 ("First Supplemental IDS"). Upon recent inquiry concerning the facts, DD3 clone may have been partially sequenced at Johns Hopkins University (JHU). Therefore, page 2, lines 15-18, of the First Supplemental IDS should read as follows:

Although the initial isolation of the DD3 clones was performed in Dr. Isaacs' lab at JHU, none of the DD3 clones was apparently completely sequenced at JHU or under the auspices of Dr. Isaacs. Additionally, none of the DD3 clones isolated in Dr. Isaacs' lab was specifically an open reading frame (ORF) for a particular gene. As was later discovered, one clone, DD3.2, in fact contained, wholly within it, the ORF for PCA3.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicant has listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.


I hereby state that no item of information in this Second Supplemental Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Second Supplemental Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.


Jorge A. Goldstein
Attorney for Applicant
Registration No. 29,021

Date: 7/1/03

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600